

**IN THE COURT OF EXCLUSIVE SPECIAL EXCISE COURT NO. 1  
-CUM-  
DISTRICT & ADDITIONAL SESSIONS JUDGE,  
ROHTAS AT SASARAM**

**Present : Dr. Santosh Kumar-I**  
Exclusive Special Excise Court - 1  
cum-Addl. District & Sessions Judge,  
Rohtas at Sasaram

**Date of the Judgment :- 10.03.2026**

**Regd. NO. 73 OF 2004**

**Excise Case No- 24 of 2004**

COMPLAINANT	State of Bihar
REPRESENTED BY	Mr. Rameshwar Singh, Ld. Special P. P.
<i>versus</i>	
ACCUSED PERSON	<b>Sunil Chaudhary</b> <b>S/o Late Heera Chaudhary</b> <b>R/o Village-Amiyawar, P.S. Nasriganj, Distt. Rohtas.</b>
REPRESENTED BY	Sri. Sadhucharan Sharma, Ld. Advocate.
Date of offence	16.05.2004
Date of prosecution report	12.08.2004
Date of forwarding report	16.05.2004
Date of Framing of Charges	13.07.2005
Date of commencement of evidence	17.09.2005
Date on which the Judgment is reserved	NIL
Date of Judgment	10.03.2026
Date of sentencing Order, if any	N.A.

Rank of the Accused persons	Name of the Accused persons	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for the purpose of Section 428 Cr.P.C.
A-1	<b>Sunil Chaudhary</b>			U/s 47(a) Bihar Excise Act 1915	Acquitted	N.A.	

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	Krishna Singh	Private witness

**B. Defence Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N.A.	N.A.	N.A.

**C. Court Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N.A.	N.A.	N.A.

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution :**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
N.A.	N.A.	N.A.

**B. Defence :**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	N.A.	N.A.

**C. Court Exhibits**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	N.A.	N.A.

**D. Material objects :**

<b>Sr. No.</b>	<b>Material Object Number</b>	<b>Description</b>
1	N.A.	N.A.

Excise Case No. 24/2004 U/s 47(a) Bihar Excise Act 1915.

Cognizance:- U/s 47(a) Bihar Excise Act 1915 on 12.08.2004.

Date of Charge : - 13.07.2005.

**JUDGMENT**

1. Above named accused stands charged for committing offence punishable U/s 47(a) Bihar Excise Act 1915 for possession of intoxicant in contravention of provision of the Bihar Excise Act, 1915. Since now the Bihar Excise Act, 1915

has been repealed and replaced with Bihar Prohibition & Excise Act, 2016.

## 2. PROSECUTION CASE

The factual score of the case, in brief is that on the basis of information member of the Excise Team went to the place of occurrence where the accused Sunil Chaudhary is said to have been selling the liquor without valid license and accordingly, seizure list was prepared and total 15 liters of mahua liquor has been recovered from the possession of accused person. The accused has not been arrested from the place of occurrence. Accordingly, an official complaint U/s 47(a) Bihar Excise Act 1915 has been instituted on the basis of aforesaid information bearing Excise Case No. 24 of 2004 U/s 47(a) Bihar Excise Act 1915.

## 3. PROCEDURAL HISTORY

Accordingly, prosecution report, seizure list/forwarding report was submitted to the court on 16.05.2004 for the offence punishable U/s 47(a) Bihar Excise Act 1915 against the accused. Accordingly, seizure list was prepared in accordance with the law. Accordingly, on the basis of aforesaid material cognizance was taken on 12.08.2004.

The accused person namely Sunil Chaudhary has been charged for the offences punishable U/s 47(a) Bihar Excise Act 1915 on 13.07.2005, to which he has pleaded not guilty and claimed to be tried.

4. The prosecution evidence has been closed on 28.01.2026. The Statement u/s 313 of Cr.P.C. of the accused person Sunil Chaudhary has been recorded before the Court on 09.03.2026. Accused person has replied to the question u/s 313 Cr.P.C. that he is innocent and has been falsely implicated in this case.

## 5. POINT FOR DETERMINATION

Now the main point for determination before the court is whether the prosecution has been able to prove the charge leveled against the accused person beyond all reasonable doubts or not ?

## **FINDINGS**

6. From perusal of the record, it is clear that the in this case, charges was framed on 13.07.2005 and thereafter prosecution has produced only one witness PW-1 Krishna Singh who is the witness of seizure list who has been declared hostile at the instance of prosecution. Thereafter, no any other witness has been

**State of Bihar versus Sunil Chaudhary**

produced by the prosecution even after ample opportunity given to them. From the perusal of entire material on record it transpires that in this case the prosecution has failed to prove before the court that the accused person possess or sales any intoxicant. Neither the seized intoxicant has been produce before the court nor the destruction certificate/report has been produced before the court. The investigating officer who investigated this case has not been examined nor chemical examination report of the seized liquor has been produced before this court. Thus the prosecution case suffers from major infirmity. Therefore, the prosecution has completely failed to prove the guilt of the accused beyond the shadow of reasonable doubt. Accordingly, it is hereby,

**O R D E R**

7. That accused person namely Sunil Chaudhary is hereby given benefit of doubt due to lack of evidence and in the result, the above named accused person is acquitted from charge leveled against him. The sureties, if any, are discharged from the liability of respective Bail Bond. In compliance of Section 365 Cr.P.C.(Section 406 B.N.S.S.), let a copy of this Judgment be sent to the concerned Ld. District Magistrate for information and needful.

This judgment is dictated, corrected,  
signed and pronounced by me in open  
court

Exclusive Special Judge, Excise-I,  
Rohtas at Sasaram  
10.03.2026

Exclusive Special Judge, Excise-I,  
Rohtas at Sasaram  
10.03.2026

Typed by  
(Akshay Srivastava)  
Stenographer

Date of Judgment/Order	10.03.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	11.03.2026
Uploaded by	Akshya Shrivastaw

**State of Bihar versus Sunil Chaudhary****FORM C****APPENDIX OF EVIDENCE****LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	Krishna Singh	Private witness.

**B. Defence Witnesses, if any:**

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-nil-	-nil-	-nil-

**C. Court Witnesses, if any:**

<u>RANK</u>	<u>NAME</u>	<u>NATURE OF EVIDENCE</u> ( EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
- no court witness have been adduced-		

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS****A. Prosecution:**

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
Nil	Nil	Nil

**B. Material Exhibit**

MO	-nil-
----	-------

**C. Defence:**

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
	-nil-	-nil-

**D. Court Witnesses:**

<u>Sr. No.</u>	<u>Exhibit Number</u>	<u>Description</u>
- nothing has been adduced-		

Exclusive Special Judge, Excise-I,  
Rohtas at Sasaram  
10.03.2026